

**IN THE DRAWINGS:**

Applicants amend Figure 4 such that in both blocks 422 and 424 the word “minimum” is replaced by the word “transmission.” Support for the amendments may be found on page 14, line 29 through page 15, line 14. No new matter is added.

## **REMARKS**

Claims 1-30 are pending in the present application. Claims 1, 2, 4, 5, 8-15, and 19-30 are amended. Reconsideration of the claims is respectfully requested.

Amendments are made to the specification to correct errors and to clarify the specification. No new matter has been added.

Also, applicants have submitted a replacement sheet for Figure 4. No new matter has been added.

### **I. Drawings**

The examiner objects to Figure 4 because it does not include reference signs mentioned in the detailed description. Applicants have amended the specification such that the specification conforms to Figure 4. In addition, Applicants have amended Figure 4 to replace the term “minimum” with the term “transition,” as described in the specification at page 14, line 29 through page 15, line 14. No new matter has been added.

### **II. 35 U.S.C. § 112, Second Paragraph**

The examiner has rejected claims 4, 5, 9, 14, 15, 19, 24, 25, and 29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention.

Regarding the rejection of claims 4, 5, 14, 15, 24, and 25, Applicants have amended the claims to provide antecedent basis for the terms identified by the examiner, thereby overcoming the rejection. Regarding the rejection of claims 9, 19, and 29, Applicants have amended the claims to replace the term “is equal to or than” with “is equal to or less than” and to replace the term “minimum” with the term “transmission.” These amendments overcome the rejections. Support for the amendments may be found in the specification at page 14, line 29 through page 15, line 14. No new matter has been added.

In addition, Applicants have amended other claims to correct minor errors, to overcome the anticipation and obviousness rejections as described below, and to conform

In addition, Applicants have amended other claims to correct minor errors, to overcome the anticipation and obviousness rejections as described below, and to conform the claims to the amendments made with respect to the indefiniteness rejections. No new matter has been added.

### III. 35 U.S.C. § 102, Anticipation

The examiner has rejected claims 1-3, 11-13, and 21-23 under 35 U.S.C. § 102 as being anticipated by Hadi Salim et al., Congestion Notification from Router, U.S. Patent 6,535,482 (Mar. 18, 2003). This rejection is respectfully traversed.

Applicants have amended the independent claims to include the limitations emphasized in claim 1 as reproduced below:

1. A method of alleviating congestion in a router when processing packets transmitted by computer systems having a congestion notification capability, said method comprising:  
notifying said computer systems that said router is  
*congested at a first level of congestion, wherein said first level of congestion is less than a second level of congestion, wherein at the second level of congestion the router tends to drop packets to relieve congestion, but wherein at the first level of congestion the router does not tend to drop packets to relieve congestion;* and  
dropping packets transmitted by said computer systems after said notification *and while the router is at the first level of congestion.*

Hadi Salim does not anticipate claim 1 as amended. As the examiner indicates, Hadi Salim shows controlling network congestion by monitoring degrees of congestion and notifying sending computer systems about the level of congestion. However, Hadi Salim still depends on the sending computer systems voluntarily reducing the amount of sent traffic. In addition, Hadi Salim specifically states that packets are dropped only if congestion is “severe.” See, for example, the following text from Hadi Salim:

FIG. 4 shows the actions of elements in a TCP/IP network corresponding to that shown in FIG. 1. The TCP source sends a data to the IP source, which sends it in the form of IP packets to router A. Router A determines the degree of congestion. *It discards the packet if congestion is very severe*, and sends an ISQ back to the IP source. *For other levels of congestion*, it sends an ISQ to the source indicating the level of congestion, and marks the packet by

setting the CE bit, before passing it on to router B. Router B does the same except that if the packet was marked by a preceding router, it does not send a further ISQ, since the TCP source has already been alerted by the first ISQ. An exception is where the congestion is more severe in IP router B. For example, if the packet is discarded at IP router B, then sending an ISQ from router B to TCP source may be justified, to enable more drastic flow control to be implemented if desired.

Hadi Salim, col. 6, l. 56 through col. 7, l. 5 (emphasis added).

Applicants have amended claim 1 to include the limitations Applicants emphasized in claim 1, which in part provide that packets are dropped while the router is at a first level of congestion. Claim 1 has also been amended to specify that the first level of congestion is less than a second level of congestion in which packets tend to be dropped. Claim 1 as amended also requires that packets are dropped when the router would not otherwise tend to drop packets. Thus, claim 1 as amended requires that packets be dropped at a level of congestion that is less than “severe.”

Hadi Salim does not show or suggest the limitations of claim 1 as amended because Hadi Salim does not show or suggest dropping packets at any level of congestion other than “severe,” as shown in the emphasized portion of Hadi Salim quoted above. Thus, Hadi Salim does not anticipate claim 1 as amended.

All of the independent claims have been amended to include limitations similar to those found in claim 1 as amended. Thus, Hadi Salim does not anticipate any of the claims.

In addition, the claims are not obvious in view of Hadi Salim. One of ordinary skill would not be motivated to drop packets unless necessary, and Hadi Salim provides no indication that dropping packets is necessary unless congestion is severe. Similarly, Hadi Salim teaches away from the claims as amended because one of ordinary skill would be motivated to avoid dropping packets if congestion in the router is less than severe. Thus, the claims are non-obvious in view of Hadi-Salim.

#### **IV. 35 U.S.C. § 103, Obviousness**

The examiner has rejected claims 4-8, 14-18, and 24-28 under 35 U.S.C. § 103 as being unpatentable over Hadi Salim in view of Li et al., Enhancement of Explicitly

Congestion Notification (ECN) for Wireless Network Applications, U.S. Patent 6,741,555 (May 25, 2004). This rejection is respectfully traversed.

Claims 4-8, 14-18, and 24-28 depend on independent claims 1, 11, and 21 respectively. Hadi Salim does not show or suggest the limitations of the independent claims as amended, as described above. Li also does not show or suggest the limitations of the independent claims as amended. Li describes an ECN method for wireless applications, wherein packets are re-transmitted according to how packets were dropped or lost. Li also describes an ECN method that is directed to timing packet re-transmission when packets are dropped. However, Li does not show or suggest the limitations of the independent claims as amended. Because neither Hadi Salim nor Li show or suggest the limitations of the independent claims as amended, the proposed combination does not result in the claims as amended. Accordingly, the claims as amended are non-obvious in view of Hadi Salim and Li.

Similarly, neither reference provides any indication that packets should be dropped unless the congestion level in the router is severe. In further view of the fact that Hadi Salim teaches away from the claimed inventions, the logical conclusion to draw is that the combination of Hadi Salim and Li is non-obvious.

#### **V. Objection to Claims**

The examiner states that claims 9, 10, 19, 20, 29, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims now also include the limitations of the independent claims as amended. Thus, these claims should now be in condition for allowance.

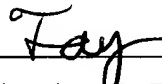
**VI. Conclusion**

It is respectfully urged that the subject application is patentable over Hadi Salim and Li and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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